

REMARKS

Claims 1-30 are all the claims pending in the application. The Examiner rejects claims 1-2, 4-5, 11-12, and 14 under 35 U.S.C. §102(b) as being anticipated by Khare et al. (US App. s/n 09/728,199). Further, the Examiner rejects claims 3, 6-9, 13, 16-19, 21-22, and 24-29 as being unpatentable over Khare in view of Igarashi et al. (US App. s/n 09/776,991); claims 10 and 20 as being unpatentable over Khare in view of Bright (US 6,912,389); and claims 23 and 30 as being unpatentable over Khare in view of Igarashi and Bright.

Applicant appreciates acknowledgement of foreign priority under 35 U.S.C. §119(a)-(d).

§ 103(a) Rejection

Claims 3, 6-9, 13, 16-19, 21-22, and 24-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Khare in view of Igarashi et al. (US App. s/n 09/776,991); claims 10 and 20 as being unpatentable over Khare in view of Bright (US 6,912,389); and claims 23 and 30 as being unpatentable over Khare in view of Igarashi and Bright. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See*, MPEP 2143.

The present invention relates to a method for operating a mobile communication terminal (terminal) in a data communication service (GPRS) of a global system for mobile communications (GSM). Within a GSM, a terminal registered within a home service area may use the GPRS for receiving data, wherein receiving data may mean being provided with an Internet connection for sending data to and receiving data from the Internet. A terminal registered within a home area is not provided access to the GPRS in any other area unless the terminal is also registered with that area, for example when the terminal is roaming. According to the current art, if terminal tries to access the GPRS while roaming where the terminal is not registered, the terminal receives a reject signal (“reject data”) that the terminal stores within its

memory. If subsequently, the terminal tries to access the GPRS while in the home area, access is denied because “reject data” is stored in memory. Access to GPRS is not granted until the “reject data” is deleted from memory manually or by cycling the terminal between on and off states.

The present invention stores the “reject data” as pending, and upon verifying that “reject data” is pending, further checks to determine whether the terminal is registered in the area from which the terminal requests GPRS access. If so, then access is granted, else access is denied.

Dependent claims 3, and 13 depending from claims 1 and 11, and independent claim 21

The Examiner rejects claim 3 as being unpatentable over Khare in view of Igarashi citing Khare for the limitations of “when the reject data is stored in the mobile communication device” and “the mobile communication device is registered to the first MSC” and Igarashi for the limitation of “pending status.”

Khare is drawn to a method for determining whether the current system, in which a terminal is presently operating, offers data service connectivity. *See, Khare, Abstract.* Igarashi relates to a mobile communications method having the step of “setting communications parameters that [a] correspondent terminal requires to make a communication with [a] mobile terminal when the mobile terminal moves from [a] first to [a] second sub-network.” *See, Igarashi, paragraph [0015].*

The Examiner cites Khare, paragraphs [0031-0032], for a terminal having memory and for a terminal displaying an indication that data service connectivity is available or not. Khare does not explicitly state that a status indication is stored in memory and that the stored status indication is used to display data service connectivity. To the contrary, Khane explicitly states “[a]s the ability for access to electronic data transmission services changes, symbol/icon 200 dynamically changes accordingly.” *See, Khare, paragraph [0032].* Khare is silent about what dynamically changes the symbol/icon 200.

Assuming that changing a symbol/icon responsive to a status indication stored in memory, and that the status indication stored in memory is responsive to a change in electronic

data transmission services accessibility is well known to a person skilled in the relative art, which the Examiner has not explicitly asserted,¹ then the Examiner relies upon Igarashi, paragraph [0145] to teach a “pending state” for a visit flag.

In Igarashi, a portable communications node (CN) is a mobile terminal that communicates with a proxy CN, and the proxy CN is implemented in hardware or software for example in a router. The proxy CN is arranged on the network side. See, Igarashi, paragraphs [0078, 0086, 0088, and 104]. The proxy CN monitors communications with the CN and changes a flag to a pending state when there has been no communications with the CN for a predetermined period of time. See, Igarashi, paragraph [0145]. The flag is stored in memory associated with the CN server, and because the proxy CN is on the network side, the flag being changed to a pending state is also located on the network side, not the terminal side. Hence, Igarashi teaches changing a flag indicating a visit state located on the network side to a pending state.

Khare may or may not have a flag located in a terminal to indicate the terminal’s presence in a data service area, and Igarashi has a flag indicating a visit state located on the network side. Igarashi’s flag is not located on the terminal, but on the network side. Because Igarashi places the flag on the network side, Igarashi teaches away from a flag indicating a pending status of data service refusal (“reject data”) stored in the mobile communication device, and no motivation to combine is found in either reference. Neither Khare nor Igarashi provide any motivation to combine the references, and therefore a *prima facie* case for obviousness must fail.

Even if Khare and Igarashi are combined, Khare and Igarashi, taken alone or in combination, do not teach a flag indicating a pending status of data service refusal (“reject data”) stored in the mobile communication device of claim 3. Bright also fails to provide this limitation. For this reason as well, a *prima facie* case for obviousness must fail.

¹ See, MPEP 2144.03 (“In limited circumstances, it is appropriate for an examiner to take official notice of facts not in the record or to rely on “common knowledge” in making a rejection, however such rejections should be judiciously applied.”)

Applicant amends claim 1 with the limitations of claims 2 and 3, cancels claims 2 and 3, and for the reasons stated above, assert that claim 1 as amended is now allowable. Because the *prima facie* case for obviousness has not been made, Applicant respectfully requests reconsideration and withdrawal of the rejection and respectfully requests allowance of claim 1, and all claims dependent therefrom.

For similar reasons as presented above, Applicant amends independent claim 11 with the limitations of claims 12 and 13, and cancels claims 12 and 13. Because the *prima facie* case for obviousness has not been made, Applicant respectfully requests reconsideration and withdrawal of the rejection and respectfully requests allowance of claim 11, and all claims dependent therefrom.

Applicant amends independent claim 21 to include the limitation of storing the “reject data” in a pending status in the user equipment. As discussed above, none of the cited references when taken alone or together teach, “reject data” in a pending status in the user equipment. Because the *prima facie* case for obviousness has not been made, Applicant respectfully requests reconsideration and withdrawal of the rejection and respectfully requests allowance of claim 21, and all claims dependent therefrom.

Claim 28

Applicant respectfully traverses the Examiner 103 rejection of claim 13. Claim 28 recites “reject data has been set in the user equipment in a pending status”, and as discussed above, neither Khare nor Igarashi, taken alone or together, teach “reject data has been set in the user equipment in a pending status”. Because the *prima facie* case for obviousness has not been made, Applicant respectfully requests reconsideration and withdrawal of the rejection and respectfully requests allowance of claim 28, and all claims dependent therefrom.

Dependent claims 6-10, 13, 15-20, 22-27 and 29-30

Each of the above listed dependent claims depends from a now allowable independent claim and is therefore allowable. Applicant respectfully request reconsideration and withdrawal of the rejections.

§ 102(b) Rejection

Claims 1 and 11

Independent claims 1 and 11 and dependent claims 2, 4-5, 12, and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by Khare. Applicant amends independent claims 1 and 11 with the limitations of claims 2 and 3, and claims 12 and 13 respectively for the reasons presented above. Claims 1 and 11 now recite “reject data is stored in the mobile communications device, in a pending status.” The Examiner has recognized that Khare fails to disclose when the reject data is stored in the mobile communication device in a pending status. *See*, Office Action dated October 6, 2005, pages 7 and 9. For at least this reason, Applicant asserts that independent claims 1 and 11 are patentable over Khare, and respectfully request reconsideration and withdrawal of the rejection.

Dependent claims 2, 4-5, 12, and 14

Each of the above listed dependent claims depends from a now allowable independent claim and is therefore allowable. Applicant respectfully request reconsideration and withdrawal of the rejections.

New claims 31-34

Claims 31-34

Applicant adds claims 31-34 to further claim his invention. These claims are drawn to a data communication method for providing voice and data service to a mobile communication device, specifically from the mobile communication device side of the system. No new matter is

contained in these claims, and Applicant respectfully requests consideration, examination and allowance.

Claims 35-38

Claims 35-38 are added to further define “pending” as including “not fixed.” No new matter is contained in these claims, and Applicant respectfully requests consideration, examination and allowance.

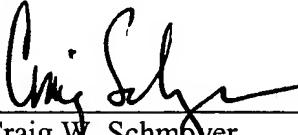
CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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